



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

September 11, 2014

VIA U.S. MAIL AND VIA EMAIL

Mr. Scott G. Silverstein
Footprint Power Salem Harbor Development LP
1140 Route 22 East, Suite 303
Bridgewater, NJ 08807

Re: **Federal Prevention of Significant Deterioration Permit
Notice of Final Permit Decision**
Footprint Power Salem Harbor Development LP
PSD Appeal No. 14-02
PSD Permit: Application No. NE-12-022, Transmittal No. X254064

Dear Mr. Silverstein:

The Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Prevention, acting under authority of a federal Prevention of Significant Deterioration (PSD) delegation agreement with the United States Environmental Protection Agency (U.S. EPA) dated April 11, 2011, is hereby issuing and providing you with notice of final permit decision regarding the PSD Permit, Application No. NE-12-022, Transmittal No. X254064 (Footprint PSD Permit), which MassDEP initially issued to Footprint Power Salem Harbor Development LP for construction and operation of a combined cycle electric generating facility in Salem, Massachusetts on January 30, 2014 under 40 CFR 124.15.

On September 2, 2014, the U.S. EPA's Environmental Appeals Board (EAB) denied the petition for review, which was jointly filed on March 3, 2014 by four individuals (specifically, Jeff Brooks, Andrea Celestine, William Dearstyne, and Linda Haley). *See In re Footprint Power Salem Harbor Development LP*, PSD Appeal No. 14-02, *Order Denying Review* (EAB, September 2, 2014). Thus, in accordance with 40 CFR 124.19, this letter serves as the final permit decision by MassDEP for the permit. All conditions of the Footprint PSD Permit, as issued by MassDEP on January 30, 2014, are final and effective as of the date of this letter.

Public notice of this final agency action will be published in the Federal Register pursuant to 40 CFR 124.19. In addition, notice of this Final Permit Decision will be published in the Massachusetts Environmental Monitor.

Regards,

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Susan P. Ruch, Esq.
Deputy Regional Director
& Acting Permit Chief
MassDEP – Northeast Regional Office

cc: Matthew F. Pawa and Wesley Kelman
Pawa Law Group, P.C., 1280 Centre Street, Newton, MA 02549
Petitioner Jeff Brooks
Petitioner Andrea Celestine
Petitioner William Dearstyne
Petitioner Linda Haley
John A. DeTore, Amy E. Kwezell and Lauren Liss
Rubin and Rudman LLP, 50 Rowes Wharf, Boston, MA 02110
United States Environmental Protection Agency (EPA)
New England Regional Office,
5 Post Office Square, Suite 100, Mail Code OEP05-2
Boston, Massachusetts 02109-3912, Attn: Air Permits Program Manager
George Lipka, Tetra Tech, 160 Federal Street, 3rd Floor, Boston, MA 02110
Board of Health, 120 Washington Street, 4th Floor, Salem, MA 01970
Fire Headquarters, 48 Lafayette Street, Salem, MA 01970
City Hall, 93 Washington Street, Salem, MA 01970
Board of Health, 7 Widger Road, Marblehead, MA 01945
Fire Headquarters, One Ocean Avenue, Marblehead, MA 01945
Town Hall, 188 Washington Street, Marblehead, MA 01945
Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111
Deirdre Buckley, MEPA
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900, Boston, MA 02114
John Ballam
Department of Energy Resources
100 Cambridge Street, Suite 1020, Boston, MA 02114
Department of Public Utilities, One South Station, Boston, MA 02110
Robert J. Shea and Kathryn Sedor
Energy Facilities Siting Board
One South Station, Boston, MA 02110
Shanna Cleveland, Esq.
Conservation Law Foundation, 62 Summer Street, Boston, MA 02110

ecc: EPA: Ida E. McDonnell
Pawa Law Group, P.C.
MassDEP/Boston: Karen Regas, Yi Tian, Marc Wolman, Glenn Pacheco, Madelyn Morris
MassDEP/WERO: Marc Simpson
MassDEP/CERO: Roseanna Stanley
MassDEP/SERO: Thomas Cushing
MassDEP/NERO: Ed Braczyk, Cosmo Buttarro, Jeanne Argento, Susan Ruch,
Eric Worrall, Marc Altobelli and Mary Persky